

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREENSPRINGS BAPTIST CHRISTIAN)	Case No. 09-1054 SC
FELLOWSHIP TRUST,)	
)	ORDER DENYING PLAINTIFF'S
Plaintiff,)	<u>MOTION FOR ATTORNEYS' FEES</u>
)	
v.)	
)	
JAMES P. CILLEY, an individual;)	
MARK A. SCHMUCK, an individual;)	
and TEMMERMAN, CILLEY & KOHLMANN,)	
LLP,)	
)	
Defendants.)	
)	

On May 26, 2011, the Court denied the anti-SLAPP motion to strike this action filed by Defendants James P. Cilley, Mark A. Schmuck, and the law firm of Temmerman, Cilley & Kohlmann, LLP ("Defendants"). ECF 131. Now before the Court is Plaintiff Greensprings Baptist Christian Fellowship Trust's ("Greensprings") fully briefed motion for attorneys' fees as a prevailing party on an anti-SLAPP motion under section 425.16(c)(1) of California's Code of Civil Procedure. ECF Nos. 133 ("Mot."), 139 ("Opp'n"), 144 ("Reply").

A plaintiff who prevails on an anti-SLAPP motion to strike is entitled to attorneys' fees "[i]f the court finds that a special motion to strike is frivolous or is solely intended to cause

unnecessary delay." Cal. Civ. Proc. Code § 425.16(c)(1); see id. § 128.5. Having considered all the papers before the Court and the arguments made therein, the Court determines that Defendants' anti-SLAPP motion was neither frivolous nor solely intended to cause unnecessary delay. Accordingly, it DENIES Plaintiff's Motion.

IT IS SO ORDERED.

Dated: August 8, 2011



UNITED STATES DISTRICT JUDGE